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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,270	02/24/2004	Yong Cheol Park	0465-1155P	9998
2292 7590 11/16/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER BIBBINS, LATANYA	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 11/16/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

**Application No.**

10/784,270

**Applicant(s)**

PARK ET AL.

**Examiner**

LaTanya Bibbins

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, filed October 18, 2007, with respect to the rejections of claims 1-3, 8 and 11 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ko et al. (US PGPub Number 2001/0033537 A1).**

Regarding claim 1, Ko discloses a method of defect management for a write-once optical recording medium (see the discussion of defect management for a DVD-RAM disc in paragraph [0005]) having a plurality of temporary defect management areas (see the discussion in paragraph [0005] where four DMA's are repeatedly recorded and are therefore interpreted as temporary defect management areas), the method comprising a step of recording disc definition structure information in **one** of the

plurality of temporary defect management areas (see paragraph [0005] where the DMA information includes a disc definition structure), wherein the plurality of temporary defect management areas include a first temporary defect management area for recording the disc definition structure information during a recording session and a second temporary defect management area for recording the disc definition structure information upon termination of the recording session (see paragraphs [0005] and [0006] and the discussion regarding the DMA "during use of the disc;")

Ko describes the step of updating the DMAs (which are interpreted as temporary defect management areas and which includes a disc definition structure as noted above) during use of the disc and as such meets claimed method step of recording DDS information in **one** of the temporary defect management areas.

**Regarding claim 2**, Ko discloses wherein the disc definition structure information includes locator information pointing to an address of latest disc definition structure information recorded in one of the plurality of temporary defect management areas (see Figure 2 and the discussion in paragraphs [0007] and [0036]).

**Regarding claim 8**, Ko discloses wherein the disc definition structure information further includes a counter having a value that is updated for each recording of the disc definition structure (see paragraphs [0027]–[0032]).

**Regarding claim 11**, Ko discloses a write-once optical recording medium (see the discussion of defect management for a DVD-RAM disc in paragraph [0005]) having a plurality of temporary defect management areas wherein temporary management information is continuously updated and recorded in one of the temporary defect

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management areas wherein the plurality of temporary defect management areas include a first temporary defect management area for recording the temporary management information during a recording session and a second temporary defect management area for recording the temporary management information upon termination of the recording session (see the discussion in paragraph [0005] where four DMA's, which include management information such as a DDS, PDL, and SDL, are repeatedly recorded and are therefore interpreted as temporary defect management areas).

The recited limitation **“for recording the temporary management information during a recording session and a second temporary defect management area for recording the temporary management information upon termination of the recording session”** is directed toward the intended use of the recording medium during or upon termination of recording and does effect the structure or control signal per se and is therefore not accorded any patentable weight.

#### ***Allowable Subject Matter***

4. Claims 3, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 3**, none of the references of record, alone or in combination, suggest or fairly teach a method of defect management for a write once optical recording medium including all of the limitations of claim 8 wherein the disc definition structure information includes locater information pointing to an address of latest disc definition structure information.

**Regarding claims 9 and 10**, none of the references of record, alone or in combination, suggest or fairly teach a method of defect management for a write once optical recording medium including all of the limitations of claim 8 further comprising a step of performing defect management, wherein, **if the highest counter value recorded in the second temporary defect management area is less than the highest counter value recorded in the first temporary defect management area, the defect management is performed immediately following or immediately preceding the recording of the disc definition structure information of a recording session in the second temporary defect management area** in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper

#### ***Citation of Relevant Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Sasaki et al. (US Patent Number 6,189,118 B1)** disclose an information recording medium and a method and apparatus for managing a defect of an information recording medium.

**Kim et al. (US Patent Number 6,754,860 B2)**, disclose a method for creating/writing defect management information of an information recording medium and an apparatus and optical disc based on the method.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LaTanya Bibbins

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER